

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Union Pacific Railroad Company, Keene Water System (0434W), for Authorization to Increase Rates and for Interim Rate Relief.

Application 04-11-004

**ADMINISTRATIVE LAW JUDGE'S RULING
FOLLOWING FINAL PREHEARING CONFERENCE**

A final prehearing conference (PHC) was conducted telephonically at 1:30 p.m. on Tuesday, July 12, 2005. Those persons appearing included Peter Hanschen, attorney for the applicant; Bridget Beard, protestant; Emilio Huerta, Stonybrook Corporation, protestant; Jason Reiger, Elena Perez, and Peter Liu, CPUC Water Division, protestant. Administrative Law Judge John E. Thorson conducted the PHC, which was not recorded.

The evidentiary hearing in this proceeding will commence at 8:30 a.m. on Wednesday, July 20, 2005, in the Auditorium of the State Office Building, 2550 Mariposa Mall, Fresno, CA, as previously set forth in the notice of April 27, 2005.

Parties

The parties who will participate in the evidentiary hearing are Union Pacific (Keene Water System), CPUC Water Division, Stonybrook Corporation, and Bridget Beard.

Issues

The Scoping Memo, at section 6, set forth the original issues for this proceeding. The following issues are now moot and will not be addressed at the hearing: (a), (b), (i), and (j). Evidence may be offered concerning issue (e) although the materiality and relevance of such evidence may be subsequently addressed by a motion to strike or in post-hearing briefing. The parties will seek to reach an agreement concerning issues (g) and (h) in advance of the hearing. If no agreement is reached, evidence may be offered on these issues. Evidence may be offered on all other issues identified in the Scoping Memo, subject to specific evidentiary motions. Additionally, at the time of the hearing, Ms. Beard will propose issues concerning who is eligible to be served by the water system; and these issues may be the subjects of post-hearing briefing.

Witnesses

The parties indicated they will call the following witnesses: (a) Union Pacific (Keene Water System): Michael Lyon and Rick Robinson; (b) Water Division: Elena Perez; (c) Stonybrook Corporation: Emilio Huerta (who, though acting as the attorney for Stonybrook, must make himself available for cross-examination if his testimony is offered); and (d) Bridget Beard: herself.

Exhibits

The parties shall prepare an original and five copies of each exhibit reasonably anticipated to be used at hearing (including for cross-examination purposes). Additionally, each party shall prepare an original and five copies of an exhibit log of that parties proposed exhibits. The log shall be in the form specified by the ALJ. Exhibit numbers are preassigned as follows: (a) Union Pacific (Keene Water System): 1-99; (b) Water Division: 100-199; (c) Stonybrook Corporation: 200-299; and (d) Bridget Beard: 300-399. Mr. Hanschen and

Ms. Beard will work to prepare a joint exhibit identifying the water users entitled to receive water from the system. Exhibits will be officially marked starting at 8:30 a.m. on July 20, 2005.

IT IS SO RULED.

Dated July 14, 2005, at San Francisco, California.

/s/ JOHN E. THORSON

John E. Thorson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Following Final Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated July 14, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.